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FEDERAL COMMUNICATIONS COMMISSION
1919 M Street, N.W., Room 222
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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Regarding - Amendment of Part 90 - Federal Communications Commission's
Rules to Adopt Regulations for Automatic Monitoring Systems
Room-8013, PR Docket No. ~~93-61~~ FCC No. 93-141.

93-61

Reply Comments of the International Bridge, Tunnel and Turnpike Association

IBTTA hereby submits additional comments as requested in the 2/9/94 Private
Radio Bureau notice regarding certain ex parte presentations relating to the
licensing of wide-area, multilateration AVM systems.

Background

The International Bridge, Tunnel and Turnpike Association (IBTTA) is the
not-for-profit trade association representing 300 toll facilities worldwide. The
Association asks the Federal Communication Commission (FCC) to carefully
consider comments it has received from current and potential operators of
Electronic Toll and Traffic Management (ETTM) systems in the 900 MHz
spectrum regarding proposed changes to the existing "interim" rules as
presented in the Commission's Notice of Proposed Rulemaking (NPRM).

In our initial comments to the docket, IBTTA expressed opposition to the
proposed changes contained in the NPRM. The Association voiced concerns
that the adoption of the changes proposed in the NPRM could disrupt IVHS and
ETTM research and development by:

- promoting exclusivity while limiting available bandwidth for IVHS applications;
- downgrading ETTM user status due to the possibility of interference;
- jeopardizing significant, existing public investments in ETTM systems;
- diminishing system reliability by constraining allowable spillover;
- not providing needed build-out protections; and,
- delay pending deployment of systems.

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Further Submissions Continue Same Debate

The recent ex parte submissions under discussion continue to promote suballocation of the 902 to 928 MHz range. The PacTel and SBMS proposals would both, to our understanding, give preferential treatment to the bandwidth needs of particular applications without regard to the AVM system user needs or market. This special treatment is sought on the basis of concerns expressed over potential interference between AVM systems.

IBTTA urges the Commission to maintain the flexibility necessary for current and potential AVM users to make cost-effective, performance-based choices from among the variety of existing automotive vehicle monitoring technologies. Efforts to suballocate or partition bands within the 902 to 928 MHz band does not preserve such flexibility.

IBTTA supports recommendations made to the docket that, before considering procedures to restrict usage, the FCC should develop detailed findings about:

- the impacts that the "sharing" of the 902-928 MHz band had on the development and deployment of AVM systems;
- the nature and extent of AVM system interference and the means of avoiding or resolving such problems;
- categorization of AVM technologies and systems for regulatory purposes;
- and the special needs of governmental entities which plan to deploy ETTM systems.

We would support suggestions that the PacTel and SBMS ex parte presentations bolster arguments for developing such findings before the Commission departs from the "shared band" scheme used under the long-standing "interim rules".

Further, we have had an opportunity to review the March 15 reply comments offered by AMTECH Corporation and would support their recommendation that existing local area systems should have to migrate only in those cases where actual interference with wide-area systems occurs, and then only as a last resort. IBTTA's prior docket submissions have documented the considerable number of ETTM systems in place. A blanket requirement that these facilities shift to different frequencies within a set time period as proposed in the NPRM would present a major financial burden to many of these facilities to address potential interference problems which may not actually occur. We believe that the AMTECH proposal presents a rational approach to this handling these potential problems.

We would like to note that our basic concern with the NPRM is the precedent that would be set for future actions if the proposed forced relocation of applications within the 900 MHz range is carried out. Many ETTM systems can and do operate very successfully in other portions of the spectrum and any future rule requiring toll agencies to relocate from those bandwidths would pose a similar hardship. The many facilities already operating in the 902-928 MHz range should not, in our view, be arbitrarily forced by government mandate to reconfigure their pre-existing systems in order to accommodate other commercial applications.

Conclusion

IBTTA appreciates the efforts of the Commission to thoroughly review and evaluate the concerns raised by all interested parties commenting on this NPRM. We urge the Commission to now complete this process in an expeditious manner. Substantial resources have been devoted to ETTM and other IVHS uses by public highway agencies, toll authorities, and the private sector. Many agencies are moving forward in the development and implementation of ETTM and other IVHS projects based on technologies reflecting the "interim" AVM rules. It is imperative that any proposed changes to these rules be resolved before even greater complications occur. As long as the outcome of this issue remains unclear, the toll industry will have few incentives to commit the needed financial and staff resources needed to bring these systems to the motoring public.

Respectfully submitted,



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